



W.P.No.5043 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5043 of 2015

and

M.P.No.1 of 2015

E.Gopi

...Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by Secretary to Govt.,
Home Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director General of
Police (Law & Order),
Tamil Nadu Police, Mylapore,
Chennai - 600 004.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to forthwith promote the petitioner as Deputy Superintendent of Police (Armed Reserve) with effect from 21.11.2012 and fix the seniority of the petitioner on par with Mr.Muthu Manickam, his immediate junior with all attendant benefits.



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For Petitioner : Ms.A.L.Ganthimathi
For Respondents : Mr.P.Ganesan, Govt. Advocate

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

2. In view of the pendency of the proceedings before the Tribunal for Disciplinary Proceedings in Case No.5 of 2005, the petitioner herein was not promoted on par with his juniors to the post of Inspector of Police (Armed Reserve), as well as the subsequent promotion to the post of Deputy Superintendent of Police. Aggrieved against this anomaly, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the proceedings in TDP Case No.5 of 2005 came to be dropped later and no further proceedings were initiated thereafter. Such a submission is ratified by the learned Special Government Pleader also, as relied by him from the averments in the counter affidavit, which evidences that the enquiry before the Tribunal for Disciplinary Proceedings was withdrawn and the further



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departmental action initiated by the Director General of Police was also held as not proved. It is in this background, the further action initiated by the Director General of Police came to be dropped. As such, the petitioner herein would be entitled to be promoted to the post of Inspector of Police (Armed Reserve), as well as the Deputy Superintendent of Police from the date on which his immediate juniors were promoted to the respective post.

4. In this factual background, it is seen that the petitioner's name was included in the "C" List of Sub-Inspectors of Police (Armed Reserve) fit for promotion as Inspectors of Police (Armed Reserve) for the year 2005 at Serial Number 7(8) by the Director General of Police, Tamil Nadu in his proceedings Rc.No.9583/NGB-I(1)/2015, dated 30.12.2015. Consequently, the name of the petitioner herein has been included in the temporary panel of Inspectors of Police (Armed Reserve) fit for appointment by recruitment by transfer as Deputy Superintendent of Police (Category 11) for the year 2017-2018, vide G.O.(Ms).No.2193, Home (Police.2) Department, dated 31.10.2018 and he was promoted and appointed as Deputy Superintendent of Police (Category 11) vide Police Note (Ms).No.20, Home (Police.2) Department, dated 20.11.2018.



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5. Since no departmental action was pending when the "C" List was drawn and also this Court is of the view that the petitioner would be entitled to be promoted on par with his juniors, the writ petition deserves to be allowed.

6. Accordingly, there shall be a direction to the second respondent herein to pass appropriate orders promoting the petitioner to the post of Inspector of Police (Armed Reserve) for the year 2005, as well as to the post of Deputy Superintendent of Police for the year 2017-2018 from the date on which his immediate junior was promoted. The second respondent shall endeavour to pass such orders atleast within a period of four (4) weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

10.01.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



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- To
- 1.The Secretary to Govt.,
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 - 2.The Director General of
Police (Law & Order),
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Mylapore,
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M.S.RAMESH,J.

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